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C O N F I D E N T I A L SECTION 01 OF 03 YEREVAN 001885

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TAGS: [PGOV](#) [PREL](#) [AM](#)

SUBJECT: MODIFIED CONSTITUTIONAL AMENDMENTS PACKAGE MOVES  
TO PARLIAMENT

REF: 03 YEREVAN 1066

Classified By: DCM A.F. Godfrey for reasons 1.4 (b) and (d).

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SUMMARY  
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11. (C) The three parties of the pro-government ruling coalition forwarded a package of proposed constitutional amendments to Armenia's National Assembly (NA) in mid-August for discussion and approval during the upcoming legislative session. This step was the latest in the continuing saga of Council of Europe (CoE)-mandated constitutional modifications -- via nationwide referendum -- that the GOAM wants to complete before the CoE's June 2005 deadline. The package proposes, inter alia, prolonging parliamentary terms of office to five years, reducing the number of parliamentarians elected in single-mandate districts and removing the current ban on dual citizenship. Early reactions by opposition parliamentarians suggest that debate over the package will dominate the upcoming legislative season and could become the opposition's next rallying point. While far from leveling the playing field between the executive and legislative branches, the proposed amendments, and a promised public discussion of their merits and shortcomings, have the potential for positive impact. End Summary.

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COALITION APPLAUDS AMENDMENTS AS THEY MOVE TO NA  
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12. (C) The three parties of the pro-government ruling coalition forwarded a package of proposed constitutional amendments to Armenia's National Assembly in mid-August. This step was the latest in the continuing saga of CoE-mandated constitutional modifications -- via nationwide referendum -- that the GOAM wants to complete before the CoE's June 2005 deadline. This is the second time the GOAM has pushed for constitutional amendments. The previous referendum, held in tandem with the 2003 parliamentary elections, failed to garner enough votes to be adopted (reftel). Local sources close to the CoE told us August 26 that the "jury was still out" on whether the current package would satisfy Armenia's commitments and that they expected there would be substantial revisions before the package was passed by the NA and ready for a referendum.

13. (SBU) Coalition representatives, including Armenian Revolutionary Federation (ARF - "Dashnaksutiun") leader Armen Rustamyan, publicly endorsed the package soon after its release. National Assembly Deputy Speaker Tigran Torosian (Republican Party) made no secret during recent interviews with the press that the amendments enjoyed the parliamentary leadership's full support as well as that of President Kocharian. According to Torosian and others, Kocharian held a closed-door meeting with coalition parliamentary leaders in early August to make a push for the amendments and their quick passage through parliament.

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PACKAGE CUTS SEATS, EXTENDS TERMS IN PARLIAMENT  
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14. (U) The latest package of amendments, while varying slightly from the 2003 version, proposes more than fifty changes to Armenia's constitution. The most important -- and most controversial -- amendments would reduce the number of parliamentarians in Armenia's National Assembly from 131 to 121 by limiting the number of NA deputies representing single-mandate districts. (Note: Armenia's NA is a mix of deputies elected from a party list and those representing local constituencies. End Note) At the same time, the amendments would lengthen parliamentarians' terms of office from four to five years. (Note: Despite speculation in the press earlier this summer, the amendments did not propose a similar extension for presidential terms of office or term limits. End Note.)

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DUAL CITIZENSHIP, EXPANDED ROLE OF OMBUDSMAN  
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15. (C) Among the other notable changes proposed by the amendment package is a reversal of Article 14 in Armenia's current constitution that prohibits dual citizenship. While stipulating a special law to regulate the nuances of dual citizenship, the amendment package makes reference to Armenia's diaspora and the need for dual citizenship given the presence of so many Armenians abroad. (Note: The ARF had vigorously fought against dual citizenship in the past but, in its relatively new role as part of the governing coalition, appears to have relented and has remained quiet on this particular provision. ARF representatives have hinted to us that their party's extensive funding from diaspora sources helped push them into this more conciliatory stance. End Note.)

16. (U) Armenia's Human Rights Ombudsman would enjoy an expanded role under the amended constitution. Following intense criticism by international human rights groups, the amended constitution would mandate the Ombudsman's appointment by the legislature instead of by the president. In addition, the amendments grant the Ombudsman new authority to refer laws to the Constitutional Court for revision.

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TENTATIVE REFERENDUM DATES AND OPPOSITION GRUMBLING  
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17. (SBU) GOAM representatives have predicted easy passage of the amendments by the legislature and have even gone so far as to suggest a July 5, 2005 date for the nationwide referendum. (Note: This date is the tenth anniversary of Armenia's current constitution and some analysts predict the GOAM will appeal to Armenians' patriotism to vote in favor of the package by scheduling the vote on this day. End Note.) Opposition leaders, however, have already begun criticizing the package and pledging to reject it should it come to a vote. Opposition Justice bloc leaders Aram Sargsyan and Victor Dalakian made joint calls for parliamentarians to vote against the amendments, calling them "cosmetic changes proposed by an illegitimate president." In a surprise move, however, opposition leader Artashes Geghamian has made more conciliatory statements in public and has reportedly hinted in private that he might return to parliament in order to discuss the amendments.

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NEXT STEPS: VENICE COMMISSION AND PACE WILL WEIGH-IN  
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18. (C) The next substantive step for the constitutional amendments package will be review by the Council of Europe's Venice Commission. Sources close to the commission told us August 26 that the amendments are already under review even though Armenia's National Assembly has not yet formally forwarded them outside Yerevan. The parliamentary elections significantly overshadowed the Venice Commission's commentary on the amendments package in 2003, and analysts predict that its recommendations will by default find a more prominent role in the process this time around. While still early, private indications by commission bureaucrats suggest that the commission will not cite fundamental flaws in this latest amendments package but will prescribe and carefully scrutinize a broad consultative process leading up to a future referendum. The Parliamentary Assembly of the Council of Europe (PACE) will include debate over the constitutional amendments early this Fall. Local politicians expect discussions at PACE to be highly charged and unlikely to concentrate on the substance of the amendments package.

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COMMENT  
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19. (SBU) During August, traditionally Armenia's slowest month for news of political events, it is no surprise that the proposed constitutional amendments have dominated public debate over recent weeks. In stark contrast to the approach in 2003 (refTel), this set of amendments already enjoys the public support of pro-Kocharian forces who approached the topic ambivalently during the previous parliamentary election. Now that the package has Kocharian's stamp of approval, it seems likely that the opposition will cling to the issue as its new rallying point -- whether or not it ends its months-long boycott of parliament -- in what has the potential to be a divisive set of debates once the National Assembly reconvenes next month.

110. (C) While falling short of leveling the playing field between Armenia's executive and legislative branches, the proposed constitutional amendments are more than merely cosmetic, despite the claims of some opposition leaders. The modest structural changes will significantly add to the legitimacy -- both perceived and actual -- of the Human Rights Ombudsman and will grant Armenians broader access to the Constitutional Court. These steps are not comprehensive, but represent an important start. GOAM-promised public

debate of the amendments has the potential to engage civil society in a positive way. As this is the first time politicians have linked their political identities to constitutional amendments, however, it will be tempting for some to muscle the amendments through parliament in a rush. The GOAM will show its serious commitment to the constitution if it lets the debate run its course over the next few months.

EVANS